

REMARKS

Applicants appreciate the Office's review of the present application. In response to the Office Action, the cited references have been reviewed, and the rejections and objections made to the claims by the Examiner have been considered. The claims presently on file in the present application are believed to be patentably distinguishable over the cited references, and therefore allowance of these claims is earnestly solicited.

In order to render the claims more clear and definite, and to emphasize the patentable novelty thereof, claims 1 and 21 have been amended, and new claims 27-38 have been added. Support for the new claims is found in the specification, claims, and drawings as originally filed, and no new matter has been added. Accordingly, all claims presently on file in the subject application are in condition for immediate allowance, and such action is respectfully requested.

Rejections

Rejection Under 35USC Section 102

Claims 1, 2, 6-9, 21-22, and 26 have been rejected under 35 USC Section 102(a), as being anticipated by U.S. patent 5,383,129 to Farrell ("Farrell"). Applicants respectfully traverse the rejection and request reconsideration based on the amendment to claims 1 and 21, and features in the other claims which are neither disclosed nor suggested in the cited reference.

As to a rejection under 102, "[a]nticipation is established only when a single prior art reference discloses expressly or under the principles of inherence, each and every element of the claimed invention." *RCA Corp. v. Applied Digital Data Systems, Inc.*, (1984, CAFC) 221 U.S.P.Q. 385. The standard for lack of novelty, that is for "anticipation," is one of strict identity. To anticipate a claim, a patent or a single prior art reference must contain all of the essential elements of the particular claims. *Schroeder v. Owens-Corning Fiberglass Corp.*, 514 F.2d 901, 185 U.S.P.Q. 723 (9th Cir. 1975); and *Cool-Fin Elecs. Corp. v. International Elec. Research*

Corp., 491 F.2d 660, 180 U.S.P.Q. 481 (9th Cir. 1974). The identical invention must be shown in as complete detail as is contained in the claim. Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Independent claim 1 (amended), and its dependent claims 2 and 6-9, are patentably distinguishable over the cited reference because claim 1 emphasizes the novel features of the present invention in which pricing and estimation of ink and image consumables for completing the print job is offered for a plurality of different printers. In this regard, claim 1 recites:

“1. (Currently amended) A method for estimating ink usage of a print job, comprising: connecting a computer peripheral device to a host computer having predefined information relating to the peripheral device; and offering pricing and estimation of ink and image consumables for completing the print job using a plurality of different printers including the computer peripheral device, before the print job is performed.” (emphasis added)

The Farrell reference discloses a method of estimating cost of printing materials used to print a job on a single, self-contained printing apparatus, such as laser based printing system 2 (Abstract; Fig. 1). As is described in the Farrell reference, “Printing system 2 for purposes of explanation is divided into a scanner section 6, controller section 7, and printer section 8” (col. 4, lines 27-29). The method for estimating a printing materials cost of a print job (Figs. 10-11) applies only to printing the print job on the printer section 8 of printing system 2. If the printing materials cost estimate (Fig. 12) for printer section 8 is unacceptable to the user of printing system 2, he had no alternative except not to print the print job. Significantly, the Farrell reference says nothing about offering pricing and estimation of ink and image consumables for a plurality of different printers including the computer peripheral device, as recited in Applicants’ claim 1. If the printing materials cost estimate for one printer is too high, this feature can advantageously allow the selection of an alternative printer for which the printing materials cost estimate is lower.

The novel features of the present invention are not anticipated by the Farrell reference in that the essential element of offering pricing and estimation of ink and image consumables for completing the print job using a plurality of different printers including the computer peripheral device, before the print job is performed is absent from the Farrell reference. Therefore, the rejection is improper at least for that reason and should be withdrawn.

Independent claim 21 (currently amended) recites limitations similar to those of claim 1, discussed above.

Claim 21 recites:

“21. (Currently amended) An ink usage monitoring system for estimating ink usage of a print job, comprising:
means for connecting a computer peripheral device to a host computer having predefined information relating to the peripheral device; and
means for offering pricing and estimation of ink and image consumables for completing the print job using a plurality of different printers including the computer peripheral device, before the print job is performed.” (emphasis added)

For similar reasons as explained heretofore with regard to claim 1, the novel features of the present invention are not anticipated by the Farrell reference in that the essential element of offering pricing and estimation of ink and image consumables for completing the print job using a plurality of different printers including the computer peripheral device, before the print job is performed is absent from the Farrell reference. Therefore, the rejection of independent claim 21, and its corresponding dependent claims 22 and 26, is improper at least for these reasons and should be withdrawn.

Claims 10-20 have been rejected under 35 USC Section 102(b), as being anticipated by Hitachi Kiki Imaging Solutions, Inc. (HiKIS) (Office World News; Oct. 2000; vol. 28., issue 10; pgs. 30-31) ("Hitachi"). Applicants respectfully traverse the rejection and request reconsideration based on features in the claims which are neither disclosed nor suggested in the cited reference.

Independent claim 10, and its dependent claims 11-14, are patentably distinguishable over the cited reference because claim 10 emphasizes the novel features of the present invention in which the amount of ink to be used in a print job is estimated based on predefined printing requirements. In this regard, claim 10 recites:

“10. (Original) A method for analyzing ink usage for a printer, comprising:
communicating a type of ink cartridge and ink reservoir system to a host computer as part of a print job submission;
estimating the ink to be used in a print job based on predefined printing requirements; and
determining the number of print swaths and pages the ink cartridge can complete based on ink available in the ink reservoir system.” (emphasis added)

The Hitachi reference discloses software modules for device control and monitoring, and remote printing and finishing via the Internet (para. 3). With regard to the limitation of “estimating the ink to be used in a print job based on predefined printing requirements”, the Office states that “the system can monitor usage of the print system and send out preventive maintenance regarding replacement of consumables such as toner cartridges indicating that the system can estimate ink usage, para. 6” (Office Action, p.4). The Hitachi reference states: “The technician can also program the copier/printer to send early warning notifications for PMs and consumables replenishment via a page or email, without user intervention, thus saving dealer service costs” (para. 6). The Hitachi reference makes is clear that what is being estimated is the amount of consumables remaining in the printing device, so that the consumables for the printing device can be replenished in a timely manner and without user intervention. This is completely different from the limitation of claim 1 in which it is the amount of ink that is to be used for printing a print job that is estimated, not how much ink remains. By comparing how much ink remains in the device with the amount of ink that is to be used for printing a print job, one can determine whether the print job can be printed without replacing the ink supply.

The novel features of the present invention are not anticipated by the Hitachi reference in that the essential element of estimating the ink to be used in a print job based on predefined printing requirements is absent from the Hitachi reference. Therefore, the rejection is improper

at least for that reason and should be withdrawn.

Independent claim 15 recites limitations similar to those of claim 10, discussed above.

Claim 15 recites:

“15. (Original) An ink usage monitoring system for estimating ink usage of a print job, comprising:

a computer peripheral device for performing the print job; and
a host computer connected to the computer peripheral device and having predefined information relating to the peripheral device, wherein the host computer has pricing and estimation of ink and image consumables for completing the print job, before the print job is performed.” (emphasis added)

For similar reasons as explained heretofore with regard to claim 10, the novel features of the present invention are not anticipated by the Hitachi reference in that the essential element of a host computer that has pricing and estimation of ink and image consumables for completing the print job, before the print job is performed, is absent from the Hitachi reference. Therefore, the rejection of independent claim 15, and its corresponding dependent claims 16-20, is improper at least for these reasons and should be withdrawn.

Rejection Under 35USC Section 103

Dependent claims 3-5, and presumably dependent claims 23-25, have been rejected under 35 USC Section 103(a), as being unpatentable over U.S. patent 5,383,129 to Farrell ("Farrell") in view of U.S. patent 6,757,070 to Lin et al. ("Lin"). Applicants respectfully traverse the rejection and request reconsideration based on the dependence of these claims on one of independent claims 1 and 21, whose reasons for allowability over the Farrell reference have been discussed heretofore and against which the Lin reference has not been cited.

Conclusion

Attorney for Applicant(s) has carefully reviewed each one of the cited references made of

record and not relied upon, and believes that the claims presently on file in the subject application patentably distinguish thereover, either taken alone or in combination with one another.

Therefore, all claims presently on file in the subject application are in condition for immediate allowance, and such action is respectfully requested. If it is felt for any reason that direct communication with Applicant's attorney would serve to advance prosecution of this case to finality, the Examiner is invited to call the undersigned Robert C. Sismilich, Esq. at the below-listed telephone number.

**AUTHORIZATION TO PAY AND PETITION
FOR THE ACCEPTANCE OF ANY NECESSARY FEES**

If any charges or fees must be paid in connection with the foregoing communication (including but not limited to the payment of an extension fee or issue fees), or if any overpayment is to be refunded in connection with the above-identified application, any such charges or fees, or any such overpayment, may be respectively paid out of, or into, the Deposit Account No. 08-2025 of Hewlett-Packard Company. If any such payment also requires Petition or Extension Request, please construe this authorization to pay as the necessary Petition or Request which is required to accompany the payment.

Respectfully submitted,



Robert C. Sismilich
Reg. No. 41,314
Attorney for Applicant(s)
Telephone: (858) 547-9803

Date: 12/30/05

Hewlett-Packard Company
Intellectual Property Administration
P. O. Box 272400
Fort Collins, CO 80527-2400